THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO :21109 of 2006

DATED: 13.10.2006

Between:

Ch. Manikyamba and others

…..Petitioners

AND

The District Collector,
West Godavari District, Eluru
and others

….Respondents

THE HON'BLE MR JUSTICE GODA RAGHURAM

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ORDER:

Proposal to acquire the land of the petitioners in Survey Nos. 554/1, 551/1A, 555/2A, 556/2, 556/3, 556/4, 556/5, 557/1 and 558/2 in an extent of Ac.14-91 cents, situated at Duvva Village, Tanuku Mandal, West Godavari District by issuing proceedings ROC.No.F5/SW/367/2006, dated 21.09.2006 under Section 4 (1) of the Land Acquisition Act (for short "the Act"), is assailed in this writ petition.

On instructions, the learned Government Pleader for Land Acquisition states that enquiry under Section 5-A of the Act has not been dispensed with and notices have been issued and an enquiry under Section 5-A of the Act would be conducted.

The learned counsel for the petitioners states that the petitioners have not received notices for attending the enquiry under Section 5-A of the Act.

As the salutary process of enquiry under Section 5-A of the Act has not been dispensed with, all the objections to the acquisition urged by the petitioners in this writ petition can as well be urged in the enquiry under Section 5-A of the Act. The respondents are bound to issue and communicate to the petitioners a notice calling upon them to attend the enquiry to be conducted under Section 5-A of the Act. The petitioners have a statutory time from the date of receipt of such notice to lodge their objections or attending the enquiry.

In the aforesaid circumstances, the writ petition is disposed of permitting the petitioners to lodge their objections to the acquisitions in the enquiry to be conducted under section 5-A of the Act. Respondents are directed to issue a notice by registered post with acknowledgement due to the petitioners to attend an enquiry under Section 5-A of the Act and afford them the time stipulated under the provisions of 5-A of the Act for the purpose of lodging of their objections or attending the enquiry. The decision taken pursuant to such enquiry by the competent authority under Section 5-A (ii) of the

Act shall be communicated to the petitioners before proceeding with the process of acquisition, if the acquisition is decided to be proceeded with.

The writ petition is accordingly disposed of as above at the stage of admission after hearing the learned Counsel for the petitioners and the learned Government Pleader for Land Acquisition. There shall be no order as to costs.

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13th October, 2006

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THE HON'BLE MR JUSTICE GODA RAGHURAM

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